



TEMPORARY VISITOR ISSUANCE GUIDE

LAWFUL PRESENCE REQUIREMENTS FOR APPLICANTS



There are several requirements all applicants must meet in order to obtain a Texas driver license or identification card, including most notably identity, social security number, and residency requirements.

An applicant who is not a U.S. citizen, U.S. national, lawful permanent resident, refugee, or asylee must present documentation issued by the appropriate federal immigration authority indicating lawful presence in the U.S. when applying for driver license or identification card.

All documents provided by an applicant to prove he or she is lawfully present in the United States must show the same name and date of birth, unless the applicant can present additional documentation to indicate a name change, verify any conflicting information, or verify incomplete names and/or dates of birth. This additional documentation may be a marriage license, divorce decree, or court ordered name change.

If an applicant is not a U.S. citizen, U.S. national, lawful permanent resident, refugee, or asylee, then the expiration date for the driver license or identification card will be based on the expiration date of the applicant's lawful presence in the U.S. as determined by the appropriate U.S. agency in compliance with federal law.

For commercial driver license applicants, a person who is not a U.S. citizen, U.S. national, U.S. lawful permanent resident, or a refugee or asylee admitted in the U.S. must apply for a **nonresident commercial driver license**. Refer to Chapter 522 of the Transportation Code or other guidance related to nonresident commercial driver licenses for the application and eligibility requirements.

Category	Required Documents
U.S. Citizen	<p>One of the following:</p> <ul style="list-style-type: none"> ❖ Birth certificate issued by the appropriate vital statistics agency of a U.S. State, a U.S. territory, or the District of Columbia indicating birth in U.S. ❖ Department of State Certification of Birth issued to U.S. Citizens born abroad (FS-240, DS-1350, or FS-545) or Consular Report of Birth Abroad ❖ Certificate of U.S. Citizenship ❖ Certificate of Naturalization ❖ U.S. Dept. of Justice – INS U.S. Citizenship Identification Card (I-197 or I-179) ❖ Northern Mariana Card (I-873) ❖ U.S. passport book that does not indicate on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN" ❖ U.S. passport card
U.S. National	U.S. passport book that indicates on the last page that "THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN"
Kickapoo Traditional Tribe of Texas ("KIC") (U.S. citizen)	American Indian Card (form I-872) which indicates "KIC"
Kickapoo Traditional Tribe of Texas ("KIP") (non-U.S. citizen)	American Indian Card (form I-872) which indicates "KIP"
American Indian born in Canada (First Nations)	An applicant may refer to the Jay Treaty, 8 U.S.C. § 1359, or 8 C.F.R. § 289.2 and may present a variety of documents. Issuance cannot occur without approval of the documents by Austin headquarters. Make copies of documentation and seek approval through the chain of command.
Lawful Permanent Resident	<p>One of the following:</p> <ul style="list-style-type: none"> ❖ Permanent Resident Card (I-551) ❖ Resident Alien Card (I-551) – card issued without expiration date ❖ Valid Immigrant Visa (with admit stamp) and unexpired foreign passport ❖ Unexpired foreign passport stamped with temporary I-551 language (admit stamp), "Approved I-551," or "Processed for I-551" ❖ I-94 stamped with temporary I-551 language (admit stamp), "Approved I-551," or "Processed for I-551" ❖ Re-entry Permit I-327 <p>Note: I-151, the predecessor to I-551, is not acceptable as proof of permanent resident status.</p>
Conditional Permanent Resident	<p>One of the following:</p> <ul style="list-style-type: none"> ❖ Permanent Resident Card (I-551) issued for a 2 year period ❖ Valid Immigrant Visa (with admit stamp) and unexpired foreign passport ❖ Unexpired foreign passport stamped with temporary I-551 language (admit stamp), "Approved I-551," or "Processed for I-551" ❖ I-94 stamped with temporary I-551 language (admit stamp), "Approved I-551," or "Processed for I-551" <p>Notes: Under the section marked category, the alpha-numeric characters will begin with a "C" (e.g. CR1, CR2, CX1, CX2, C21, C22, etc.).</p>

Category	Required Documents
Immigrant Visa with Temporary I-551 language	A valid Immigrant Visa within one year of endorsement (i.e. stamped by Customs and Border Protection – admit stamp) and an unexpired passport
Conditional entrants	<p>Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to:</p> <ul style="list-style-type: none"> ❖ I-94 or other document showing admission under Section 203(a)(7), “refugee conditional entry” ❖ I-688B coded 274a.12(a)(3) ❖ I-766 with category A3 or A03
Asylee	<p>Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to:</p> <ul style="list-style-type: none"> ❖ I-94 with annotation “Section 208” or “asylee” ❖ Unexpired foreign passport with annotation “Section 208” or “asylee” ❖ I-571 Refugee Travel Document ❖ I-688B coded 274a.12(a)(5) ❖ I-766 with category A5 or A05
Refugee	<p>Immigration documentation with an alien number or I-94 number indicating this status, which can include but is not limited to:</p> <ul style="list-style-type: none"> ❖ I-94 with annotation “Section 207” or “refugee” ❖ Unexpired foreign passport with annotation “Section 207” or “refugee” ❖ I-571 Refugee Travel Document ❖ I-688B coded 274a.12(a)(3) ❖ I-766 with category A3 or A03
Temporary Protected Status (TPS)	<p>Immigration documentation with an alien number or I-94 number indicating this status or Employment Authorization Document (EAD) (I-766) with category A12 or C19</p> <p>Note: Individuals in this status may have been granted an extension to the period of authorized stay that is not reflected on the current EAD.</p>
Applicant with Employment Authorization Document	Employment Authorization Document (EAD)(I-766)
<p>Applicants for adjustment of status</p> <p>Note: These are individuals applying to become lawful permanent residents.</p>	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to a form I-797 indicating pending I-485 or pending application for adjustment of status.</p>
Applicants for extension of status, change of status, petition for non-immigrant worker, with a pending I-918 application, or other pending category.	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to a form I-797 indicating a pending application for an extension of status, change of status, petition for non-immigrant worker, or other pending category.</p>

Category	Required Documents
Citizens of the Republic of Palau	<p>Unexpired foreign passport or I -94 with annotation "CFA/PAL" or other annotation indicating the Compact of Free Association/Palau</p> <p>OR</p> <p>Employment Authorization Document (EAD)(I-766) with category A8 or A08</p>
Citizens of the Republic of the Marshall Islands	<p>Unexpired foreign passport or I -94 with annotation "CFA/RMI" or other annotation indicating the Compact of Free Association/Republic of Marshall Islands</p> <p>OR</p> <p>Employment Authorization Document (EAD)(I-766) with category A8 or A08</p>
Citizens of the Federated States of Micronesia	<p>Unexpired foreign passport or I -94 with annotation "CFA/FSM" or other annotation indicating the Compact of Free Association/Federated States of Micronesia</p> <p>OR</p> <p>Employment Authorization Document (EAD)(I-766) with category A8 or A08</p>
Cuban/Haitian entrants	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to an I-94 with annotation "Cuban/Haitian entrant"</p>
Lawful temporary residents	<p>Immigration documentation with an alien number or I-94 number</p>
<p>Self-petitioning abused spouses or children, parents of abused children, or children of abused spouses</p> <p>(Applicants with Violence Against Women Act (VAWA) petitions)</p>	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to I-797 indicating approved, pending, or prima facie determination of I-360 or an approved or pending I-360 or an I-766 with category C31.</p>
Parolees	<p>Immigration documentation with an alien number or I-94 number</p> <p>This can include but is not limited to an I-94 with annotation "parole" or "paroled pursuant to Section 212(d)(5)."</p>
Person granted deferred action	<p>Immigration documentation with an alien number or I-94 number</p>
Persons granted deferred enforcement departure (DED)	<p>Immigration documentation with an alien number or I-94 number or Employment Authorization Document (EAD) (I-766) with category A11</p> <p>Note: Individuals in this status may have been granted an extension to the period of authorized stay that is not reflected on the current EAD. Notifications regarding any extensions to this category will be distributed by Austin headquarters.</p>

Category	Required Documents
Person granted family unity	Immigration documentation with an alien number or I-94 number
Persons under an order of supervision	Immigration documentation with an alien number or I-94 number
Persons granted extended or voluntary departure	Immigration documentation with an alien number or I-94 number
Persons granted withholding of deportation or removal	Immigration documentation with an alien number or I-94 number This can include but is not limited to an I-94 or passport with annotation "Section 243(h)" or a letter or order from USCIS or court granting withholding of deportation or removal.
Persons in removal or deportation proceedings	Immigration documentation with an alien number or I-94 number
Persons granted a stay of deportation	Immigration documentation with an alien number or I-94 number
Persons granted voluntary departure	Immigration documentation with an alien number or I-94 number
A-1, A-2, and A-3	Unexpired foreign passport or I -94 Note: Issuance cannot occur unless applicant presents a letter from U.S. Department of State with original signature <u>indicating ineligibility for Department of State issued driver license or requesting issuance of a state issued identification card.</u>
B1/B2 Visa/BCC with I-94 (Border Crosser Card , DSP-150, or "laser visa")	All of the following: ♦ Unexpired foreign passport, ♦ Visa (border crosser card), and ♦ I -94 Note: Applicant must have an I-94 to be eligible because of the time and distance from the border restrictions for applicants who do not obtain an I-94.
B-1, B-2, C-1, C-3, D-1, and D-2	Unexpired foreign passport or I -94 Note: The applicant may not be able meet residency/domicile requirements.
C-2 Alien in transit to U.N. Headquarters district. Travel limited to 25 miles radius of Columbus Circle in New York, NY	This status is restricted to New York, NY and not eligible for a Texas driver license under the domicile/residency requirements.

Category	Required Documents
E-1, E-2, and E-3	Unexpired foreign passport or I -94
E-2 CNMI Treaty-investor and dependents in Commonwealth of the Northern Mariana Islands	This status is limited to persons entering the Commonwealth of the Northern Mariana Islands (CNMI) and is not eligible for a Texas driver license (8 CFR § 214.2(3)(23)).
F-1 Foreign academic student	Unexpired foreign passport or I -94 or I-20
F-2 Dependent on F-1	Unexpired foreign passport or I -94
F-3 Commuter Student from Canada or Mexico	This status is for commuters from Mexico or Canada and is not eligible for a Texas driver license under the domicile/residency requirements.
G-1, G-2, G-3, G-4, and G-5	Unexpired foreign passport or I -94 Note: Issuance cannot occur unless applicant presents a letter from US Department of State approving the issuance of a DL/ID.
H-1B, H-1B1, H-1C, H-2A, H-2B, H-2R, H-3, H-4, and I	Unexpired foreign passport or I -94
J-1 Exchange visitor (may be student, trainee, work/travel, au pair, etc.)	Unexpired foreign passport or I -94 or DS-2019
J-2 Dependent of J-1 exchange visitor	Unexpired foreign passport or I -94
K-1, K-2, K-3, K-4, L-1, L-1A, L-1B, and L-2,	Unexpired foreign passport or I -94
M-1 Non-academic student	Unexpired foreign passport or I -94 or I-20
M-2 Dependents of non-academic students	Unexpired foreign passport or I -94

Category	Required Documents
M-3 Commuter Student from Canada or Mexico	This status is for commuters from Mexico or Canada and is not eligible for a Texas driver license under the domicile/residency requirements.
N-1 through N-7 (NATO) North American Treaty Organization Representatives and dependents	Unexpired foreign passport or I -94
N-8, N-9, O-1, O-2, O-3, P-1, P-2, P-3, P-4, Q-1, Q-2, Q-3, R-1, R-2, S-5, S-6, S-7, T-1, T-2, T-3, T-4, T-5, TN-1, TN-2, TD, U-1, U-2, U-3, U-4, U-5, V-1, V-2, and V-3	Unexpired foreign passport or I -94
WB* Visitor for business (visa waiver program)	Unexpired foreign passport with admission stamp annotated "WT/WB" or I -94 Note: The applicant may not be able meet residency/domicile requirements.
WT* Visitor for pleasure (tourist in visa waiver program)	Unexpired foreign passport with admission stamp annotated "WT/WB" or I -94 Note: The applicant may not be able meet residency/domicile requirements.

*Visa waiver program countries: Andorra, Australia, Austria, Belgium, Brunei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, and the United Kingdom.